

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4679

To amend the Inspector General Act of 1978 to expand the mission of Inspectors General, to provide for greater independence for Inspectors General, and to make Inspectors General more effective and accountable.

---

## IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 1994

Mr. SPRATT (for himself and Mr. CONYERS) introduced the following bill;  
which was referred to the Committee on Government Operations

---

## A BILL

To amend the Inspector General Act of 1978 to expand the mission of Inspectors General, to provide for greater independence for Inspectors General, and to make Inspectors General more effective and accountable.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION. 1. SHORT TITLE.**

4 This Act may be cited as the “Inspector General Re-  
5 form Act of 1994”.

6 **SEC. 2. AMENDMENT OF INSPECTOR GENERAL ACT OF 1978.**

7 Except as otherwise expressly provided, whenever in  
8 this Act an amendment or repeal is expressed in terms

1 of an amendment to, or repeal of, a section or other provi-  
2 sion, the reference shall be considered to be made to a  
3 section or other provision of the Inspector General Act of  
4 1978 (5 U.S.C. App.).

5 **SEC. 3. TECHNICAL AMENDMENT.**

6 The second section 8G is redesignated as section 8H.

7 **SEC. 4. INSPECTION AND EVALUATION OF MANAGEMENT**  
8 **AND OTHER INTERNAL CONTROLS.**

9 (a) ASSISTANT INSPECTORS GENERAL FOR INSPEC-  
10 TION AND EVALUATION.—Section 3 is amended by adding  
11 at the end the following:

12 “(e) Each Inspector General may, in accordance with  
13 applicable laws and regulations governing the civil service,  
14 appoint an Assistant Inspector General for Inspections  
15 and Evaluations who shall have the responsibility for su-  
16 pervising the inspection and evaluation of the adequacy  
17 of management and other internal controls of such pro-  
18 grams and operations.”.

19 (b) DUTIES OF INSPECTORS GENERAL.—Section 4(a)  
20 is amended—

21 (1) in paragraph (1) by inserting before the  
22 semicolon at the end the following: “, and to inspect  
23 and evaluate the adequacy of management and inter-  
24 nal controls of such programs and operations, in-  
25 cluding the preparation of preventative vulnerability

1 assessments of those programs, systems, and oper-  
2 ations identified as being susceptible to fraud, waste,  
3 or abuse”;

4 (2) in paragraph (4) by striking “and” after  
5 the semicolon at the end;

6 (3) by redesignating paragraph (5) as para-  
7 graph (6); and

8 (4) by inserting after paragraph (4) the follow-  
9 ing:

10 “(5) to make recommendations for improve-  
11 ment, to promote the economy, efficiency, and effec-  
12 tiveness of agency programs and operations; and”.

13 (c) STRATEGIC PLANS AND INCREASED CONSULTA-  
14 TION.—Section 4(b)(1) is amended—

15 (1) in subparagraph (B) by striking “and”  
16 after the semicolon;

17 (2) in subparagraph (C) by striking the period  
18 and inserting a semicolon; and

19 (3) by adding at the end the following:

20 “(D) develop multiyear strategic plans for  
21 assessing such establishment’s risks and prob-  
22 lems, assign the resources required to imple-  
23 ment these strategies, and provide performance  
24 measures to evaluate such progress.”; and

8 SEC. 5. ENSURING INDEPENDENCE OF OFFICES OF INSPEC-  
9 TORS GENERAL.

(1) IN GENERAL.—Section 3 is further amended by adding after subsection (e) (as added by section 4(a) of this Act) the following:

“(2) An individual serving as an officer or employee of the Office of an establishment shall not participate in the investigation of an individual or organization (including a Federal agency) with whom the individual serving

1 has or had a personal, financial, business, or professional  
2 relationship.

3 “(3) An individual serving as an officer or employee  
4 of the Office of an establishment shall not participate in  
5 any audit, inspection, or evaluation of any function, or in  
6 the investigation of any individual or matter, if the individ-  
7 ual so serving is negotiating or has an arrangement con-  
8 cerning prospective employment in the establishment in  
9 another capacity, unless—

10 “(A) the individual has notified their immediate  
11 supervisor of such negotiation or arrangement; and

12 “(B) the supervisor has determined in writing  
13 for each such audit, inspection, or evaluation that  
14 the potential for a conflict of interest is too remote  
15 or inconsequential to affect the integrity of the Of-  
16 fice.

17 “(4) An individual who violates this subsection shall  
18 be fined in accordance with title 18, United States Code,  
19 or imprisoned for not more than 1 year, or both.”.

20 (2) APPLICATION TO DESIGNATED FEDERAL  
21 ENTITIES.—Section 8G(g)(1) is amended by insert-  
22 ing after “Sections” the following: “3(f),”.

23 (b) TERMS OF INSPECTORS GENERAL.—

24 (1) ESTABLISHMENTS.—Section 3(b) is  
25 amended—

1 (A) by striking “(b)” and inserting “(2)”;  
2 and

3 (B) by inserting before and above para-  
4 graph (2), as designated by paragraph (1) of  
5 this subsection, the following:

6 “(b)(1) The term of an individual as Inspector Gen-  
7 eral of an establishment shall be 5 years. An individual  
8 whose term as Inspector General has expired may continue  
9 to serve until a successor takes office.”.

10 (2) DESIGNATED FEDERAL ENTITIES.—Section  
11 8G(c) is amended—

12 (A) by inserting “(1)” after “(c)”; and

13 (B) by adding at the end the following:

14 “(2) The term of an individual as Inspector General  
15 of a designated Federal entity is 5 years. An individual  
16 whose term as Inspector General has expired may continue  
17 to serve until a successor takes office.”.

18 (3) EXPIRATION OF TERMS OF CURRENT IN-  
19 SPECTORS GENERAL.—For an individual serving a  
20 term as the Inspector General of an establishment or  
21 designated Federal entity on the date of the enact-  
22 ment of this Act, that term of service expires on the  
23 date that is 180 days after that date of enactment  
24 but the individual may continue to serve until a suc-  
25 cessor takes office.

1           (4) COMPLETION OF APPOINTMENTS.—The  
2       President and the heads of designated Federal enti-  
3       ties shall complete the appointment of individuals as  
4       Inspectors General to fill all vacancies described in  
5       paragraph (3) before the end of the 60-day period  
6       beginning on the date of the expiration of terms  
7       under paragraph (2).

8       (c) LIMITATION ON REMOVAL OF INSPECTORS GEN-  
9       ERAL.—

10           (1) ESTABLISHMENTS.—Section 3(b)(2) (as  
11       designated by subsection (b)(1)(A) of this section) is  
12       amended—

13                (A) in the first sentence by inserting “only  
14       for good cause” after “by the President”; and

15                (B) in the second sentence by striking  
16       “reasons” and inserting “specific reasons and  
17       factual circumstances”.

18           (2) DESIGNATED FEDERAL ENTITIES.—Section  
19       8G(e) is amended to read as follows:

20       “(e)(1) The Inspector General of a designated Fed-  
21       eral entity may be removed from office only by the head  
22       of the designated Federal entity, and only for good cause.

23       “(2) If an Inspector General is removed from office,  
24       the head of the designated Federal entity shall promptly  
25       communicate in writing the specific reasons and factual

1 circumstances for that removal to both Houses of the Con-  
2 gress.”.

3 (d) RECOMMENDATIONS ON APPOINTMENT OF IN-  
4 SPECTORS GENERAL.—

5 (1) RECOMMENDATIONS.—Section 3 is further  
6 amended by adding after subsection (f) (as added by  
7 subsection (a) of this section) the following:

8 “(g)(1) The President’s Council on Integrity and Ef-  
9 fectiveness and the Executive Committee on Integrity and  
10 Effectiveness shall each develop a comprehensive list of  
11 candidates, together with their qualifications, for appoint-  
12 ment as Inspectors General of establishments and des-  
13 ignated Federal entities. Each council shall utilize the  
14 qualifying criteria set forth in section 3(a) in developing  
15 such a list.

16 “(2) Upon the occurrence of a vacancy in the position  
17 of Inspector General of an establishment or of a des-  
18 ignated Federal entity, the President or the head of the  
19 designated Federal entity, respectively, shall request the  
20 President’s Council on Integrity and Effectiveness and the  
21 Executive Committee on Integrity and Effectiveness to  
22 provide their lists under subparagraph (A) and to rec-  
23 ommend individuals for appointment to the position. Not  
24 later than 5 days after receiving such a request, such  
25 council and such committee shall each submit a list under

1 paragraph (1), and make recommendations pursuant to  
2 the request.”.

3 (2) APPOINTMENTS FOR DESIGNATED FEDERAL  
4 ENTITIES.—Section 8G(c) is amended—

5 (A) by inserting “(1)” after “(c)”;

6 (B) in paragraph (1) (as designated by the  
7 amendment made by paragraph (1) of this sub-  
8 section) by inserting before the period at the  
9 end the following: “and from among individuals  
10 recommended by the President’s Council on In-  
11 tegrity and Effectiveness or the Executive Com-  
12 mittee on Integrity and Efficiency (established  
13 by Executive Order 12805 of May 11, 1992) in  
14 a list under section 3(g)”.

15 (e) CONSULTATION BY INSPECTORS GENERAL.—

16 (1) ESTABLISHMENTS, GENERALLY.—Section  
17 3(a) is amended—

18 (A) by inserting “(1)” after “(a)”;

19 (B) by striking the second sentence of  
20 paragraph (1) (as redesignated by subpara-  
21 graph (A) of this paragraph); and

22 (C) by adding at the end the following:

23 “(2) The Inspector General of an establishment shall  
24 consult with the head of the establishment on a regular

1 basis in the performance of duties and responsibilities  
2 under section 4(a).”.

3 (2) DESIGNATED FEDERAL ENTITIES, GEN-  
4 ERALLY.—Section 8G(d) is amended by striking the  
5 first sentence and inserting the following: “The In-  
6 spector General of a designated Federal entity shall  
7 consult with the head of the designated Federal en-  
8 tity on a regular basis in the performance of duties  
9 and responsibilities under section 4(a).”.

10 (3) DUTIES AND RESPONSIBILITIES.—Section  
11 4(a)(5) is amended by striking “and otherwise” and  
12 inserting “and such consultations and other reports  
13 as the Inspector General considers to be appro-  
14 priate”.

15 **SEC. 6. ENSURING FEDERAL AGENCY COOPERATION WITH**  
16 **INSPECTOR GENERAL ACTIVITIES.**

17 (a) PROHIBITION ON ACTIONS TO PREVENT, PRO-  
18 HIBIT, OR INTERFERE WITH INSPECTOR GENERAL AC-  
19 TIVITIES AND NOTIFICATION REGARDING SUCH EFFORTS  
20 OR ACTIONS.—

21 (1) PROHIBITION WITH RESPECT TO ESTAB-  
22 LISHMENTS.—Section 3 is amended—

23 (A) in subsection (a)(1) (as designated by  
24 section 5(e)(1)(A) of this Act) by striking “Nei-

1 ther the head” and all that follows through the  
2 end of that sentence; and

3 (B) by adding after subsection (g) (as  
4 added by section 5(d)(1) of this Act) the follow-  
5 ing:

6 “(h)(1) No official in the executive branch shall—

7 “(A) prevent or prohibit, or attempt to prevent  
8 or prohibit, the Inspector General from initiating,  
9 carrying out, or completing any evaluation, inspec-  
10 tion, audit, or investigation, or from issuing any sub-  
11 poena in the course of any such activity, except as  
12 provided in section 6(b)(4); or

13 “(B) interfere or attempt to interfere with the  
14 Inspector General performing any activity authorized  
15 by this Act.

16 “(2) If the Inspector General of an establishment has  
17 reasonable grounds to believe that any act prohibited by  
18 paragraph (1) has occurred, the Inspector General shall  
19 expeditiously and simultaneously notify the President and  
20 the Committee on Governmental Affairs of the Senate, the  
21 Committee on Government Operations of the House of  
22 Representatives, and other appropriate committees of the  
23 Congress.”.

24 (2) PROHIBITION WITH RESPECT TO DES-  
25 IGNATED FEDERAL ENTITIES.—Section 8G(g)(1), as

1 amended by this Act, is further amended by insert-  
2 ing after “3(f),” (as added by section 5(a)(2) of this  
3 Act) the following: “3(h),”.

4 (3) CONFORMING AMENDMENT.—

5 (A) Section 8G(d), as amended by section  
6 5(e)(2) of this Act, is further amended by strik-  
7 ing the second sentence.

8 (B) Section 8(b)(1) is amended in the mat-  
9 ter preceding subparagraph (A) by striking  
10 “Notwithstanding the last two sentences of sec-  
11 tion 3(a),” and inserting “Notwithstanding sec-  
12 tion 3(h)(1),”.

13 (C) Section 8D(a)(1) is amended in the  
14 matter preceding subparagraph (A) by striking  
15 “Notwithstanding the last two sentences of sec-  
16 tion 3(a),” and inserting “Notwithstanding sec-  
17 tion 3(h)(1),”.

18 (D) Section 8E(a)(1) is amended in the  
19 matter preceding subparagraph (A) by striking  
20 “Notwithstanding the last two sentences of sec-  
21 tion 3(a),” and inserting “Notwithstanding sec-  
22 tion 3(h)(1),”.

23 (b) REFUSAL BY AGENCY TO PROVIDE INFORMATION  
24 OR ASSISTANCE.—

1           (1) MODIFICATION OF AGENCY AUTHORITY TO  
2       WITHHOLD INFORMATION OR ASSISTANCE.—Section  
3       6(b)(1) is amended by striking “or regulation of the  
4       Federal agency from which the information is re-  
5       quested”.

6           (2) NOTICE REGARDING CONTINUING REFUSAL  
7       OF AGENCY TO PROVIDE INFORMATION OR ASSIST-  
8       ANCE.—Section 6(b) is amended by adding at the  
9       end the following:

10       “(3) If the head of a Federal agency continues to un-  
11       reasonably refuse or fail to provide information or assist-  
12       ance to an Inspector General after the Inspector General  
13       reports under paragraph (2), the Inspector General shall  
14       expeditiously and simultaneously notify the President and  
15       the Committee on Governmental Affairs of the Senate, the  
16       Committee on Government Operations of the House of  
17       Representatives, and other appropriate committees of the  
18       Congress, except that all such notification may be delayed  
19       for 5 business days to allow for the service of a subpoena  
20       issued pursuant to section 6(a)(4), if the Inspector Gen-  
21       eral determines that such delay is necessary to serve the  
22       interests of justice.”.

23           (3) REPEAL OF RESTRICTION ON AUTHORITY  
24       TO ISSUE SUBPOENAS TO FEDERAL AGENCIES.—Sec-

1       tion 6(a)(4) is amended by striking “: *Provided*” and  
2       all that follows through the end of the paragraph.”.

3           (4) REQUIREMENTS FOR ISSUING SUBPOENAS  
4       TO FEDERAL AGENCIES.—Section 6(b), as amended  
5       by paragraph (3) of this subsection, is further  
6       amended by adding at the end the following:

7       “(4) An Inspector General may not issue a subpoena  
8       under subsection (a)(4) that requires production by a Fed-  
9       eral agency, unless—

10           “(A) the Inspector General has requested the  
11       head of the agency to provide the information or  
12       document sought by the subpoena to be produced;  
13       and

14           “(B) the head of the Federal agency has, in the  
15       judgment of the Inspector General, unreasonably re-  
16       fused or failed to provide that information or docu-  
17       ment.

18       “(5)(A) An Inspector General shall notify the Com-  
19       mittee on Government Operations of the House of Rep-  
20       resentatives and the Committee on Governmental Affairs  
21       of the Senate of the issuance of any subpoena under sub-  
22       section (a)(4) that requires production by a Federal agen-  
23       cy or an officer or employee of a Federal agency, by not  
24       later than 5 business days after the date the subpoena  
25       is issued.

1 “(B) An Inspector General may not delegate the au-  
2 thority to issue a subpoena described in subparagraph (A).

3 “(C) An Inspector General may bring an action to  
4 enforce a subpoena described in subparagraph (A) without  
5 the direction, approval, or control of the Attorney Gen-  
6 eral.”.

7 **SEC. 7. AUTHORITY OF OFFICES OF INSPECTORS GENERAL**  
8 **TO OBTAIN OFFICE SPACE, EQUIPMENT, SUP-**  
9 **PLIES, ETC. INDEPENDENTLY AND TO HIRE**  
10 **LEGAL COUNSEL.**

11 (a) GENERAL AUTHORITY.—

12 (1) AUTHORITY.—Section 6(c) is amended—

13 (A) by striking “Each” and inserting “(1)  
14 Unless obtained by the Inspector General of the  
15 establishment under paragraph (2), each”; and

16 (B) by adding at the end the following:

17 “(2) The Inspector General of an establishment may  
18 directly obtain any office space, equipment, office supplies,  
19 communications facilities, or services otherwise available  
20 to the Office of the Inspector General under paragraph  
21 (1) in substantially the same manner as such space, equip-  
22 ment, supplies, facilities, or services may be obtained on  
23 behalf of the Office by the head of the establishment. The  
24 Director of the Office of Management and Budget shall  
25 direct a reasonable redistribution of agency funds to ac-

1 count for any space, equipment, supplies, facilities, or  
2 services so obtained.”.

3 (2) CONFORMING AMENDMENT.—Section  
4 8G(g)(1) is amended by striking “and (a)(8)” and  
5 inserting “, (a)(8), and (c)(2)”.

6 (b) AUTHORITY TO HIRE LEGAL COUNSEL.—Each of  
7 section 6(a)(7) and section 8G(g)(2) is amended by insert-  
8 ing “, including legal counsel,” after “officers and  
9 employees”.

10 **SEC. 8. IMPROVED REPORTING.**

11 (a) ANNUAL REPORTING REQUIREMENTS.—

12 (1) REQUIREMENTS.—Section 5 is amended—

13 (A) by striking “SEC. 5. (a)” and all that  
14 follows through the material preceding para-  
15 graph (1) of subsection (a) and inserting the  
16 following:

17 “SEC. 5. (a) Each Inspector General shall, not later  
18 than October 31 of each year, prepare an annual report  
19 summarizing the activities of the Office during the preced-  
20 ing fiscal year. Each report shall include—”; and

21 (B) in subsection (b) by striking the mate-  
22 rial preceding paragraph (1) and inserting the  
23 following:

24 “(b) Each Inspector General shall furnish reports  
25 under subsection (a) to the head of the establishment in-

1 volved not later than October 31 of each year. The head  
2 of an establishment shall transmit each such report to the  
3 appropriate committees or subcommittees of the Congress  
4 within 30 days after receipt of the report, together with  
5 a report by the head of the establishment containing—  
6 ”.

7 (2) CONFORMING AMENDMENTS.—Sections  
8 4(a)(2), 5(a)(3), 5(c), 8(f)(1), and 8A(c) are amend-  
9 ed by striking “semiannual” each place it appears  
10 and inserting “annual”.

11 (b) PUBLIC AVAILABILITY OF ANNUAL REPORTS.—  
12 Section 5(c) is amended—

13 (1) by inserting “(1)” after “(c)”;

14 (2) in the first sentence by striking “sixty  
15 days” and inserting “30 days”;

16 (3) in the second sentence by striking “60  
17 days” and inserting “30 days”; and

18 (4) by adding at the end the following:

19 “(2) The Superintendent of Documents shall make  
20 available to depository libraries, as Government publica-  
21 tions (as that term is used in chapter 19 of title 44, Unit-  
22 ed States Code), each annual report of the Inspector Gen-  
23 eral of an establishment under subsection (b) and each  
24 annual report of the head of an establishment under sub-  
25 section (c).”.

1 **SEC. 9. CONTENTS OF ANNUAL REPORTS.**

2 (a) IN GENERAL.—Section 5 is amended—

3 (1) in subsection (a)(1), (2), (3), and (12) by  
4 striking “significant” each place it appears;

5 (2) in subsection (a)(1) by inserting before the  
6 semicolon the following: “, and a separate analysis  
7 of the relative significance and seriousness of the  
8 problems, abuses, and deficiencies so described”;

9 (3) in subsection (a)(7) by striking “particu-  
10 larly significant”;

11 (4) in subsection (a)(11) by striking “and”  
12 after the semicolon at the end;

13 (5) in subsection (a)(12) by striking the period  
14 at the end and inserting a semicolon;

15 (6) by adding at the end of subsection (a) the  
16 following:

17 “(13) a description of the findings of inspec-  
18 tions, evaluations, and vulnerability assessments con-  
19 ducted under section 4(a) (6) and (7) during the re-  
20 porting period, including information regarding the  
21 effectiveness of programs and operations of the es-  
22 tablishment in achieving the legislative intent of the  
23 statutes that authorize those programs;

24 “(14) a listing of all criminal investigations by  
25 the Inspector General that were completed in the re-  
26 porting period, and for each criminal investigation,

1 a description of the alleged or proven misconduct  
2 and of all actions (including information or indict-  
3 ments, guilty pleas, trials, verdicts, sentences im-  
4 posed, and disciplinary proceedings or personnel ac-  
5 tions initiated or undertaken) which as a result of  
6 the findings of the investigation—

7 “(A) have been taken;

8 “(B) will be taken; or

9 “(C) have been recommended by the In-  
10 spector General but will not be taken;

11 “(15) a listing of the specific prosecutive refer-  
12 rals made by the Inspector General, and of inves-  
13 tigations of similar matters conducted without such  
14 a referral, that in the reporting period the Inspector  
15 General determines will not be prosecuted, including  
16 for each such referral or investigation—

17 “(A) a brief or summary description of the  
18 alleged misconduct involved;

19 “(B) identification of the judicial district  
20 involved; and

21 “(C) the reasons provided by the Attorney  
22 General for declining prosecution, or if prosecu-  
23 tion is not formally declined, for not instituting  
24 prosecution;

1           “(16) a summary of all criminal investigations  
2           that were conducted by the Inspector General in the  
3           reporting period and have not been completed; and

4           “(17) a description of the strategic plans for as-  
5           sessing such establishment’s risks and problems, the  
6           resources required to implement such strategies for  
7           resolving the risks and problems, and the perform-  
8           ance measures utilized to evaluate the implementa-  
9           tion of these plans.”.

10       (b) PROTECTION OF IDENTITY OF SUBJECTS OR  
11 TARGETS OF INVESTIGATIONS.—Section 5(e) is  
12 amended—

13           (1) in paragraph (1)(C) by inserting “, except  
14           as provided in paragraphs (15) and (16) of sub-  
15           section (a)” before the period; and

16           (2) by adding at the end the following:

17       “(3) Any information required to be included in an  
18 annual report under paragraph (14), (15), or (16) of sub-  
19 section (a) may omit—

20           “(A) the identity of the subject or target of an  
21 investigation, unless paragraph (2) applies; or

22           “(B) any specific information the disclosure of  
23 which would likely compromise an ongoing under-  
24 cover operation, identify a confidential source, in-

1 including a protected witness, or constitute a threat to  
2 national security.”.

3 (c) REQUIREMENT TO DISCLOSE PUBLIC INFORMA-  
4 TION REGARDING CRIMINAL INVESTIGATIONS.—Section  
5 5(e)(2) is amended by striking “may” and inserting  
6 “shall”.

7 (d) CLARIFYING DUTY TO PROVIDE CERTAIN INFOR-  
8 MATION TO CONGRESS.—Section 5(e)(3) is amended by  
9 striking the period at the end thereof and adding the fol-  
10 lowing: “including information with respect to an ongoing  
11 audit, inspection, evaluation, or investigation (criminal or  
12 otherwise), requested by the Congress or any of its com-  
13 mittees or subcommittees.”.

14 **SEC. 10. IMPROVING COORDINATION OF OFFICES OF IN-**  
15 **SPECTORS GENERAL WITH DEPARTMENT OF**  
16 **JUSTICE.**

17 Section 4(d) is amended by—

18 (1) inserting “(1)” after “(d)”; and

19 (2) adding at the end the following:

20 “(2)(A) Within 15 business days after initiating any  
21 investigation of any allegation of a possible violation of  
22 a Federal criminal law, an Inspector General shall seek  
23 to coordinate the investigation with the Attorney General,  
24 including by consulting with the Attorney General to—

25 “(i) obtain advice and guidance; and

1           “(ii) determine the need for investigative re-  
2       sources of the Attorney General or for a Federal  
3       grand jury investigation (including issuance of a  
4       grand jury subpoena); and

5       “(B) Subparagraph (A) does not apply to any crimi-  
6       nal investigation which is completed within 15 business  
7       days after it is initiated and as to which the Inspector  
8       General has no reasonable grounds to believe a violation  
9       of law may have occurred.

10       “(C) Subparagraph (A) shall not be construed to au-  
11       thorize the Attorney General to limit the authority of an  
12       Inspector General to conduct an investigation.

13       “(3) An Inspector General shall notify the Committee  
14       on Governmental Affairs of the Senate and the Committee  
15       on Government Operations of the House of Representa-  
16       tives within 5 business days after the Attorney General  
17       declines orally or in writing to prosecute a matter referred  
18       to or otherwise brought to the attention of the Attorney  
19       General pursuant to paragraph (2) by the Inspector Gen-  
20       eral.”.

1 **SEC. 11. LAW ENFORCEMENT AUTHORITY OF INSPECTOR**  
2 **GENERAL PERSONNEL TO CARRY WEAPONS**  
3 **AND EXECUTE WARRANTS UNDER CERTAIN**  
4 **CONDITIONS.**

5 (a) DEPARTMENT OF THE TREASURY.—Section 8D  
6 is amended by adding at the end the following:

7 “(i)(1) Qualified personnel of the Office of the De-  
8 partment of the Treasury may, for the purpose of inves-  
9 tigating any allegation of a possible violation of Federal  
10 criminal law by any officer or employee of a Treasury law  
11 enforcement agency—

12 “(A) make an arrest without a warrant for any  
13 such violation if such violation is committed, or if  
14 such personnel has probable cause to believe that  
15 such violation is being committed, in the presence of  
16 such personnel;

17 “(B) execute a warrant for an arrest, for the  
18 search of premises, or the seizure of evidence if such  
19 warrant is issued under authority of the United  
20 States upon probable cause to believe that such vio-  
21 lation has been committed; and

22 “(C) carry a firearm.

23 “(2) In the subsection—

24 “(A) the term ‘qualified personnel’ means the  
25 Inspector General and any person designated by the

1 Inspector General for purposes of this subsection;  
2 and

3 “(B) the term ‘Treasury law enforcement agen-  
4 cy’ means each of—

5 “(i) the Criminal Investigative Division of  
6 the Internal Revenue Service;

7 “(ii) the Bureau of Alcohol, Tobacco, and  
8 Firearms;

9 “(iii) the Secret Service; and

10 “(iv) the Customs Service.”.

11 (b) OTHER ESTABLISHMENTS.—Section 6 is amend-  
12 ment by adding at the end the following:

13 “(e)(1) Qualified personnel of each Office may, sub-  
14 ject to paragraph (2), for a period of time specified by  
15 the Attorney General and, for the purpose of investigating  
16 any allegation of a possible violation of Federal criminal  
17 law—

18 “(A) make an arrest without a warrant for any  
19 such violation if such violation is committed, or if  
20 such personnel has probable cause to believe that  
21 such violation is being committed, in the presence of  
22 such personnel;

23 “(B) execute a warrant for an arrest, for the  
24 search of premises, or the seizure of evidence if such  
25 warrant is issued under authority of the United

1 States upon probable cause to believe that such vio-  
2 lation has been committed; and

3 “(C) carry a firearm.

4 “(2) Notwithstanding any other law, qualified person-  
5 nel of an Office may not exercise under this or any other  
6 law authorities described in paragraph (1)(A), (B), and  
7 (C) unless—

8 “(A) the Inspector General requests the Attor-  
9 ney General to approve that authority with respect  
10 to that allegation; and

11 “(B)(i) the Attorney General approves that au-  
12 thority;

13 “(ii) the Attorney General fails to disapprove  
14 that authority within 10 business days after the date  
15 of the submission of the request by the Inspector  
16 General; or

17 “(iii) in the case of an urgent request described  
18 in paragraph (3), the Attorney General fails to dis-  
19 approve that authority within 3 business days after  
20 the date of the submission of the request by the In-  
21 spector General.

22 “(3) An urgent request is described in this paragraph  
23 if it contains a certification by the Inspector General sub-  
24 mitting the request (including a description of the factual  
25 basis for the certification) that there is reason to believe

1 that failure to approve the request within 3 business days  
2 will result in—

3 “(A) endangering the life or physical safety of  
4 any person;

5 “(B) flight from prosecution;

6 “(C) destruction of or tampering with evidence;

7 “(D) intimidation of any potential witness; or

8 “(E) seriously jeopardizing an investigation or  
9 official proceeding.

10 “(4) This subsection does not limit the law enforce-  
11 ment authority of—

12 “(A) personnel of the Office of the Department  
13 of Justice; or

14 “(B) personnel of the Office of the Department  
15 of the Treasury, under section 8D(i).

16 “(5) In the subsection the term ‘qualified personnel’  
17 means the Inspector General and any person designated  
18 by the Inspector General for purposes of this subsection.”.

19 **SEC. 12. CLARIFYING AUTHORITY OF DEPARTMENT OF JUS-**  
20 **TICE INSPECTOR GENERAL WITH RESPECT**  
21 **TO OFFICE OF PROFESSIONAL RESPONSIBIL-**  
22 **ITY.**

23 Section 8E is amended—

24 (1) in subsection (b)(1) by inserting “and”  
25 after the semicolon at the end;

1           (2) in subsection (b)(2) by striking “; and” and  
2       inserting a period;

3           (3) by striking paragraph (3) of subsection (b);  
4       and

5           (4) by adding at the end the following:

6       “(d)(1) In carrying out the duties and responsibilities  
7       specified in this Act, the Inspector General of the Depart-  
8       ment of Justice shall have oversight responsibility for the  
9       internal investigations performed by the Office of Profes-  
10      sional Responsibility of the Department, the Office of In-  
11      spections of the Federal Bureau of Investigation, the Of-  
12      fice of Professional Responsibility of the Drug Enforce-  
13      ment Administration, and any other inspection or internal  
14      affairs office in the Department of Justice. The head of  
15      each of those offices shall promptly report to the Inspector  
16      General the significant activities being carried out by such  
17      office.

18      “(2) Notwithstanding paragraph (1), the Inspector  
19      General may initiate, conduct, and supervise such audits  
20      and investigations in the Department of Justice (including  
21      the Office of Professional Responsibility) as the Inspector  
22      General considers appropriate.

23      “(3)(A) If the Inspector General initiates an audit  
24      or investigation under paragraph (2) concerning the Office  
25      of Professional Responsibility, the Office of Inspections of

1 the Federal Bureau of Investigation, the Office of Profes-  
2 sional Responsibility of the Drug Enforcement Adminis-  
3 tration, or any other inspection or internal affairs office  
4 in the Department of Justice, the Inspector General may  
5 provide the head of that office with written notice that  
6 the Inspector General has initiated such an audit or inves-  
7 tigation.

8 “(B) If the Inspector General provides a notice under  
9 subparagraph (A), no other audit or investigation shall be  
10 initiated into the matter under audit or investigation by  
11 the Inspector General and any other audit or investigation  
12 of such matter shall cease.”.

13 **SEC. 13. ESTABLISHING DUTY OF INSPECTORS GENERAL**  
14 **TO MONITOR AGENCY RESPONSE TO FIND-**  
15 **INGS OF MISCONDUCT.**

16 (a) IN GENERAL.—Section 4 is amended in sub-  
17 section (a), as amended by subsection 4(b) of this Act,  
18 by striking “and” after the semicolon at the end of para-  
19 graph (5), by striking the period at the end of paragraph  
20 (6) and inserting “; and”, and by adding at the end the  
21 following:

22 “(7) with respect to findings by the Inspector  
23 General that indicate a serious problem, fraud,  
24 abuse, or deficiency relating to the programs or op-  
25 erations of the establishment—

1           “(A) monitor personnel or other actions  
2           proposed or taken by the establishment in re-  
3           sponse to those findings; and

4           “(B) bring to the attention of the head of  
5           the establishment for review any personnel ac-  
6           tion taken in response to those findings, if the  
7           Inspector General considers the action to be in-  
8           adequate relative to the seriousness of the prob-  
9           lem, fraud, abuse, or deficiency involved.”.

10       (b) INFORMATION TO BE INCLUDED IN ANNUAL RE-  
11       PORTS.—Section 5(a)(12) is amended by inserting before  
12       the period the following: “, including information regard-  
13       ing each personnel or other action (without identifying any  
14       employee) for which a review was requested under section  
15       4(b)(7)(B) if after such review the Inspector General con-  
16       siders the action to be inadequate”.

17       **SEC. 14. SEPARATE APPROPRIATION ACCOUNTS.**

18       Section 1105(a)(25) of title 31, United States Code,  
19       is amended by inserting “and of a designated Federal en-  
20       tity defined under section 8G(a)(2) of that Act” before  
21       the period.

22       **SEC. 15. DIRECT BUDGET SUBMISSIONS.**

23       Section 1108 of title 31, United States Code, is  
24       amended by adding at the end the following new sub-  
25       section:

1       “(h)(1) Each Inspector General of an establishment  
 2 or of a designated Federal entity shall prepare and submit  
 3 to the President, each House of the Congress, and the  
 4 head of that establishment or entity each appropriation  
 5 request for that Inspector General’s office.

6       “(2) As used in paragraph (1), the terms ‘Inspector  
 7 General’, ‘establishment’, and ‘designated Federal entity’  
 8 have the meanings given to them by sections 8G and 11  
 9 of the Inspector General Act of 1978.”.

10 **SEC. 16. WHISTLEBLOWER PROTECTIONS FOR EMPLOYEES**

11 **PROVIDING INFORMATION TO INSPECTORS**

12 **GENERAL.**

13 (a) UNAUTHORIZED DISCLOSURE OF WHISTLE-  
 14 BLOWER’S IDENTITY NOT PERMITTED.—

15 (1) IN GENERAL.—Section 7(b) is amended by  
 16 striking “employee, unless” through the period and  
 17 inserting “employee, except in accordance with a re-  
 18 quest of the Attorney General for the purpose of a  
 19 criminal investigation.”.

20 (2) REMEDY.—Section 7(b), as amended by  
 21 paragraph (1), is further amended—

22 (A) by striking “(b)” and inserting  
 23 “(b)(1)”; and

24 (B) by adding at the end the following:

1 “(2)(A) As used in this paragraph, the term ‘Special  
2 Counsel’ means the Special Counsel under subchapter II  
3 of chapter 12 of title 5, United States Code.

4 “(B) The Special Counsel may—

5 “(i) investigate any alleged violation of para-  
6 graph (1); and

7 “(ii) if the Special Counsel determines that  
8 there is reason to believe that such a violation has  
9 occurred, seek disciplinary action under section 1215  
10 of title 5, United States Code, in the same manner  
11 as if it were a matter referred to in subsection  
12 (a)(1)(B) of such section.”.

13 (b) NOTIFICATION REQUIREMENT.—Section 7 is  
14 amended by adding at the end the following:

15 “(d) The Inspector General shall ensure, at the time  
16 of receiving any complaint or information from an em-  
17 ployee, that such employee is fully aware of any rights or  
18 remedies afforded such employee under—

19 “(1) subsections (b) and (c);

20 “(2) title 5, United States Code, with respect to  
21 a prohibited personnel practice described in para-  
22 graph (8) or (11) of section 2302(b) of such title  
23 (including the investigative duties of the Office of  
24 Special Counsel);

1           “(3) sections 3729 through 3731 of title 31,  
2       United States Code (popularly known as the ‘False  
3       Claims Act); and

4           “(4) any other authority by virtue of the com-  
5       plaint made or information disclosed by such em-  
6       ployee.

7           “(e)(1) If an Inspector General has information that  
8       might be evidence of an action or an intent to take an  
9       action described in paragraph (2) against an employee  
10      who provided information to an Inspector General, the In-  
11      specter General shall within a reasonable time disclose  
12      that information to the employee.

13          “(2) The action referred to paragraph (1) is any ac-  
14      tion that is in violation of subsection (c) or a prohibited  
15      personnel practice described in paragraph (8) or (11) of  
16      section 2303 of title 5, United States Code.”.

17      **SEC. 17. EMPLOYEE AWARDS AND REQUESTS FOR SES**  
18                                      **POSITIONS.**

19          (a) AMENDMENTS.—Section 6(d) is amended—

20              (1) by striking “(d)” and inserting “(d)(1)”;  
21          and

22              (2) by adding at the end the following:

23          “(2)(A) For purposes of the provisions of law cited  
24      in subparagraph (B)—

1           “(i) any authority conferred or obligation im-  
2       posed under any such provision on an ‘agency’ or  
3       the ‘head of an agency’ shall, to the extent that it  
4       relates or would relate to employees or positions in  
5       the Office of an Inspector General, or former em-  
6       ployees of any such Office, be deemed to be con-  
7       ferred or imposed on such Office or such Inspector  
8       General, as the case may be; and

9           “(ii) each Office of Inspector General shall oth-  
10      erwise be considered to be independent of the estab-  
11      lishment or designated Federal entity (within the  
12      meaning of section 8G(a)(2)) in which it is estab-  
13      lished.

14      “(B) This paragraph applies with respect to—

15           “(i) subchapter II of chapter 31 of title 5,  
16      United States Code;

17           “(ii) subchapter VIII of chapter 33 of title 5,  
18      United States Code; and

19           “(iii) subchapter I of chapter 45 of title 5,  
20      United States Code.”.

21      (b) SAVINGS PROVISIONS; TRANSITION PROVI-  
22      SIONS.—

23           (1) SAVINGS PROVISIONS.—Subject to para-  
24      graph (2), all designations, exclusions, authoriza-  
25      tions, and other aspects of the Senior Executive

1 Service affected by any of the amendments made by  
 2 this section (as further identified under paragraph  
 3 (2)) shall continue in effect, according to their  
 4 terms, until modified, terminated, superseded, or re-  
 5 pealed by the President, the Office of Personnel  
 6 Management, or other appropriate authority, with  
 7 respect to matters within their respective jurisdic-  
 8 tions.

9 (2) TRANSITION PROVISIONS.—The Office of  
 10 Personnel Management shall prescribe regulations to  
 11 ensure the expeditious implementation of the amend-  
 12 ments made by this section.

13 **SEC. 18. INELIGIBILITY OF INSPECTORS GENERAL FOR**  
 14 **AWARDS.**

15 Section 6 is further amended by adding at the end  
 16 the following:

17 “(e) An Inspector General shall not be eligible for any  
 18 award or other form of recognition under chapter 45 of  
 19 title 5, United States Code, except for a Presidential  
 20 award.”.

○

HR 4679 IH—2

HR 4679 IH—3

HR 4679 IH—4